

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 02-CV-3830
	:	
ADVANCED ENVIRONMENTAL	:	
TECHNOLOGY CORPORATION, et al.,	:	
	:	
Defendants.	:	

**DECLARATION OF JEFFREY L. PETTIT IN SUPPORT OF DEFENDANT ASHLAND  
INC.'S OPPOSITION TO DEFENDANT ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORP.'S MOTION FOR SUMMARY JUDGMENT,  
OR, IN THE ALTERNATIVE, TO DISMISS COUNT VI OF ASHLAND'S CROSS-  
CLAIM FOR FAILURE TO PLEAD FRAUD WITH PARTICULARITY**

JEFFREY L. PETTIT hereby declares as follows:

1. I am an attorney-at-law admitted to practice law before this Court in connection with the above-captioned matter and Counsel with the firm of Phelan, Pettit & Biedrzycki, LLC, attorneys for Defendant Ashland Inc. ("Ashland") in the within matter.
2. I submit this declaration in opposition to AETC's motion, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for an Order granting summary judgment dismissing Counts One through Ten of Ashland's cross-claim against AETC, or in the alternative, pursuant to Rule 9(b) of the Federal Rules of Civil Procedure, dismissing Count Six of Ashland's cross-claim against AETC for failure to plead fraud with particularity.
3. Attached hereto as Exhibit "1" is a true and correct copy of excerpts from the deposition of John Leuzarder, taken in this case on November 29, 2004.
4. Attached hereto as Exhibit "2" is a true and correct copy of excerpts from the deposition of Ashland's Arthur Curley taken in this case on December 9, 2004.

5. Attached hereto as Exhibit “3” is a true and correct copy of the proposal dated August 3, 1976 from AETC to Arthur Curley proposing to dispose of six specified bulk waste streams and drum waste, previously identified as deposition exhibit “Curley-1.”

6. Attached hereto as Exhibit “4” is a true and correct copy of the bill of lading dated August 9, 1976, produced by Ashland in this case and marked as ASHL00005.

7. Attached hereto as Exhibit “5” is a true and correct copy of the marked up proposal dated August 3, 1976, previously identified as deposition exhibit “Leuzarder-4.”

8. Attached hereto as Exhibit “6” is a true and correct copy of Mr. Curley’s Memorandum dated August 23, 1976, previously marked as deposition exhibit “Curley-2.”

9. Attached hereto as Exhibit “7” is a true and correct copy of the Statement of the Facts section of Plaintiffs’ Cross-Motion for Partial Summary Judgment against AETC.

10. Attached hereto as Exhibit “8” is a true and correct copy of the expert report of AETC’s expert Kenneth Goldstein, P.E.

11. Attached hereto as Exhibit “9” is a true and correct copy of excerpts of the deposition of Manfred Derewal, Sr. taken in this case on May 9, 2003.

I declare under penalty of perjury that the foregoing is true and correct.

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s/Jeffrey L. Pettit  
Jeffrey L. Pettit, Esquire  
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